

**FILED**  
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U.S. DISTRICT COURT, E.D.N.Y.

★ JAN 12 2006 ★

**BROOKLYN OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CLAIRe A. BROWN,

Plaintiff,

JUDGMENT  
03-CV- 3043 (DGT)

-against-

THE BOARD OF TRUSTEES OF THE  
BUILDING SERVICE 32B-J PENSION  
FUND, THE BOARD OF TRUSTEES OF  
THE BUILDING SERVICE 32B-J  
HEALTH FUND, THE BUILDING  
SERVICE 32B-J PENSION FUND, and  
THE BUILDING SERVICE 32B-J  
HEALTH FUND,

Defendants.  
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A Memorandum and Order of Honorable David G. Trager, United States District Judge, having been filed on September 29, 2005, denying defendants' motion for summary judgment; granting in part and denying in part plaintiff's cross-motion for summary judgment; denying both parties motions to strike; and remanding the case to the Building Service 32B-J Health Fund and Pension Fund for reconsideration in accordance with ERISA and the Court's Memorandum and Order of September 29, 2005; it is

JUDGMENT  
03-CV- 3043 (DGT)

ORDERED and ADJUDGED that defendants' motion for summary judgment is denied; that plaintiff's cross-motion for summary judgment is granted in part and denied in part; that both parties motions to strike are denied; and that the case is remanded to the Building Service 32B-J Health Fund and Pension Fund for reconsideration in accordance with ERISA and the Court's Memorandum and Order of September 29, 2005.

Dated: Brooklyn, New York  
January 11, 2006

s/Robert C. Heinemann  
ROBERT C. HEINEMANN  
Clerk of Court